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DATE FILED: 4/25/2025

MEMORANDUM ENDORSEMENT

Michael Buxbaum v. County of Rockland

7:25-cv-2088-NSR

The Court is in receipt of Defendant's letter dated April 24, 2025, requesting a pre-motion conference, a "gatekeeper order," and to dismiss several of Plaintiff's motions and applications for *ex parte* relief as premature (ECF No. 32) (attached hereto).

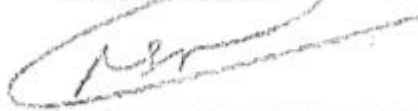
First, the Court directs Plaintiff to respond to Defendant's letter dated April 24, 2025 to address the Defendant's requests for a pre-motion conference and a "gatekeeper order."

Second, the Court will dismiss Plaintiff's request for summary judgment and *ex parte* relief in ECF Nos. 13, 15, 19, 23, 25, 27, 28 and 29 without prejudice to renew. Plaintiff's motions for summary judgment (ECF Nos. 13, 15) are premature and fail to comply with the Court's Individual Rules of Practice. Plaintiff's motions for *ex parte* relief (ECF Nos. 19, 23, 25, and 28) fail to provide legal basis for seeking the proposed relief, fail to provide a basis for why it should be considered *ex parte*, fail to comply with the Court's Individual Rules of Practice, and are without an affidavit of merit.

Third, Plaintiff's letters requesting a signature of the previously filed *subpoena duces tecum* (ECF Nos. 17, 26) also fail to comply with the Court's Individual Rules of Practice and are otherwise improper. Accordingly, Plaintiff's requests at ECF Nos. 13, 15, 17, 19, 23, 25, 26, and 28 are DENIED without prejudice to renew. The Clerk of Court is directed to terminate the motion at ECF No.15.

Dated: April 25, 2025
White Plains, NY

SO ORDERED:



NELSON S. ROMÁN
United States District Judge



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April 24, 2025

VIA ECF

Hon. Nelson Román

United States Courthouse for the Southern District of New York

300 Quarropas Street, Courtroom 218

White Plains, New York 10601-4150

Re: *Michael Buxbaum v. County of Rockland*
Docket No.: 25-CV-02088 (NSR)

Dear Judge Román:

Defendant the County of Rockland (“the County”) requests a pre-motion conference or briefing schedule regarding a proposed Rule 12(b)(6) motion to dismiss plaintiff pro se Michael Buxbaum’s (“Plaintiff”) Complaint (PACER Doc. 12) and a proposed motion for a gatekeeper order prohibiting Plaintiff from filing further pro se actions without advance Court approval.

Plaintiff Pro Se’s Current Complaint Should Be Dismissed

Plaintiff’s Complaint should be dismissed in its entirety for failure to state a cause of action. Even a pro se plaintiff must plead sufficient facts to meet the plausibility standard established in *Ashcroft v. Iqbal*, 556 U.S. 662 (2009) and *Bell Atl. Corp. v. Twombly*, 550 U.S. 544 (2007). See *Jackson v. Cty. of Rockland*, 450 F. App’x 15, 18 (2d Cir. 2011). Here, Plaintiff’s claims are not even comprehensibly pleaded, much less plausibly pleaded.

Plaintiff seeks awards of \$5.5 million and nearly \$94 million pursuant to the False Claims Act (31 U.S.C. § 3729). (PACER Doc. 12, Pg. 6) However, the Complaint does not identify the allegedly false claims, specify how many there were, set forth the dates they were made, plead who made the claims or specify what is allegedly false about them. The most that can be gleaned from the Complaint is that the claims have something to do with “pensions and... other post-employment benefits” “including a second pension that is overfunded with money paid from the Federal Government”, and that the County supposedly “is fraudulently reporting audited financial reports and making false claims for money to the American Federal Government and fraudulently spending Federal money... with fraudulent actuarial computations that... have no Mathematical fact...” (PACER Doc. 12, Pg. 5)

Significantly, qui tam FCA complaints are subject to the heightened pleading standards of F.R.C.P. 9(b), which, “requires a party alleging fraud to ‘state with particularity the circumstances constituting fraud,’ which ‘ordinarily requires a complaint alleging fraud to (1) specify the

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statements that the plaintiff contends were fraudulent, (2) identify the speaker, (3) state where and when the statements were made, and (4) explain why the statements were fraudulent.” *U.S. ex rel. Askari v. Pharmerica Corp.*, 2024 U.S. App. LEXIS 6227, at *5-6, 2024 WL 1132191 (2d Cir. Mar. 15, 2024). Further, “To be actionable under the False Claims Act, ‘[a] misrepresentation about compliance with a statutory, regulatory, or contractual requirement must be material to the Government’s payment decision.’” *Askari*, 2024 U.S. App. LEXIS 6227, at *8, citing *Universal Health Servs., Inc. v. U.S.*, 579 U.S. 176, 181 (2016). This standard is “demanding.” *Universal Health*, 579 U.S. at 194. The Complaint does not even remotely plead facts meeting these demanding standards and it should, therefore, be dismissed.

Moreover, as a procedural matter, even if the Complaint contained enough factual allegations to make it comprehensible and plausible, it is not brought in the name of the government, as required by 31 U.S.C. § 3730(b)(1), nor does it indicate that it was first filed with the government in camera and under seal, as required by 31 U.S.C. § 3730(b)(2).

A Gatekeeper Order Is Appropriate Given Plaintiff’s Scores of Frivolous Pro Se Lawsuits

Between December 9, 2024 and April 16, 2024 Plaintiff has filed no fewer than 109 pro se lawsuits in this Court and two more in the Eastern District of New York. (See annexed index of cases.) Of these, 94 have already been dismissed. Plaintiff’s vexatious and frivolous filings include five cases against the County of Rockland and its officials, at least eleven against other governmental entities and officials and approximately 93 against private parties. Given this flagrant abuse of the court system, an anti-filing injunction (a “gatekeeper order”), prohibiting Plaintiff from commencing further pro se litigation without advance court approval, is warranted.

“In determining whether to issue an anti-filing injunction, a district court considers ‘(1) the litigant’s history of litigation and in particular whether it entailed vexatious, harassing or duplicative lawsuits; (2) the litigant’s motive in pursuing the litigation, e.g., does the litigant have an objective good faith expectation of prevailing?; (3) whether the litigant is represented by counsel; (4) whether the litigant has caused needless expense to other parties or has posed an unnecessary burden on the courts and their personnel; and (5) whether other sanctions would be adequate to protect the courts and other parties.’” *Wood v. Mut. Redevelopment Houses, Inc.*, 2024 U.S. Dist. LEXIS 164924, 2024 WL 4164485 (SDNY Sept. 12, 2024), citing *Safir v. U.S. Lines, Inc.*, 792 F.2d 19, 24 (2d Cir. 1986). “[T]he Second Circuit has never required that all five factors be met....” *Wood*, *supra* citing *Hermes of Paris, Inc. v. Swain*, 2021 U.S. App. LEXIS 33075, 2021 WL 5170726, at *3-4 (2d Cir. Nov. 8, 2021). In fact, the Second Circuit held in *Safir*, 792 F.2d at 24, that, “A district court not only may but should protect its ability to carry out its constitutional functions against the threat of onerous, multiplicitous, and baseless litigation” by issuing an anti-filing injunction. See also *Hai Dong Li v. Alibaba Grp. Holding, Ltd.*, 2023 U.S. App. LEXIS 3787, at *5-6 (2d Cir. Feb. 17, 2023). Thus, in *Wood*, *supra*, Judge Torres issued an anti-filing injunction, holding:

[I]t seems unlikely that a lesser sanction would deter Plaintiffs from refileing a similar action in the future.... Plaintiffs have filed seven related cases over the past

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ten years, the first six of which have been dismissed.... [A] New York state court previously issued an anti-filing injunction after finding that Plaintiffs' "persistent filing of meritless actions" had led them to "forfeit[] their right to free access to the courts."... Plaintiffs filed a related action in state court less than a month after the injunction issued,... demonstrating the gravity of Plaintiffs' disregard for the judicial process and the need for intervention.

Id., 2024 U.S. Dist. LEXIS 164924 at *5-8

Here, every *Safir* factor mitigates in favor of issuance of an anti-filing injunction. Plaintiff's history of frivolous pro se filings far exceeds the seven cases referenced in *Wood*. This frivolousness, and Plaintiff's intent to baselessly harass the defendants, is amply illustrated by the below summaries of some of his cases:

- *Buxbaum v. Hochul*, 25-cv-3026. Plaintiff sought the removal of the New York State Governor because she did not attend a funeral and thus "sanctioned the execution and assassination of the worst triple homicide in New York State history";
- *Buxbaum v. Bongiorno*, 25-cv-223. Plaintiff sought a warrant of eviction (against whom he does not state) because "Michael Bongiorno, Town of Clarkstown Justice is creating court hearings that have no basis in due process."
- *Buxbaum v. Walsh*, 25-cv-689. Plaintiff sought \$5.3 million claiming that District Attorney Walsh was monitoring Plaintiff's personal electronic equipment;
- *Buxbaum v. Falco*, 25-cv-598. Plaintiff sought \$5.3 million claiming that Sheriff Falco keeps the temperature too low at the Rockland County Jail;
- *Buxbaum v. Edwin Day*, 25-cv-595. Plaintiff sought \$5.3 million complaining that County Executive Day "spends money to employ county workers at the Rockland County Jail and other Rockland County social programs by transferring money to budgets not based upon necessity....";

Notably, Chief Judge Swain has had to create a standing order to specifically deal with Plaintiff's endless pro se lawsuits. See *In Re Michael Buxbaum*, Order of Dismissal, 25-cv-689, Doc. 3. Since this procedure has not slowed Plaintiff's filings, the only way to rein in Plaintiff's abuse of his pro se status is to issue a gatekeeper order.

Finally, prior to Plaintiff's April 23, 2025 service of his Complaint, he filed two motions for summary judgment and seven applications for ex parte relief (PACER Docs. 13, 15, 17, 19, 23, 25, 27, 28 and 29) including a request for issuance of a subpoena unless the County pays Plaintiff \$25 million, a request that the County's pension system be put into receivership and five applications for relief against parties in other cases. These applications should all be denied as premature. Thank you for your consideration.

Respectfully submitted,



Robert B. Weissman



Party Search Results

Search Criteria: Party Search; Last Name: [Buxbaum]; First Name: [Michael]

Result Count: 119 (3 pages)

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Party Name	Case Number	Case Title
Buxbaum, Michael (db)	<u>1:2009bk17876</u>	Michael Taylor Buxbaum and Rachel Rita Buxbaum
Buxbaum, Michael (pla)	<u>1:2025cv00960</u>	Buxbaum v. Hirschler
Buxbaum, Michael (pla)	<u>1:2025cv01432</u>	Buxbaum v. Travis et al
Buxbaum, Michael (pla)	<u>1:2024cv09388</u>	Buxbaum v. JP Morgan Chase
Buxbaum, Michael (pla)	<u>1:2021cv09553</u>	Buxbaum v. Cornell et al
Buxbaum, Michael (pla)	<u>1:2025cv03026</u>	Buxbaum v. Hochul
Buxbaum, Michael (pla)	<u>1:2025cv03034</u>	Buxbaum v. Fox Corporation
Buxbaum, Michael (pla)	<u>1:2025cv03038</u>	Buxbaum v. Major League Baseball
Buxbaum, Michael (pla)	<u>1:2024cv09546</u>	Buxbaum v. Sommer et al
Buxbaum, Michael (pla)	<u>1:2024cv09784</u>	Buxbaum v. Webull Financial LLC
Buxbaum, Michael (pla)	<u>1:2024cv09785</u>	Buxbaum v. JP Morgan Chase & Co.
Buxbaum, Michael (pla)	<u>1:2024cv09832</u>	Buxbaum v. TD Bank
Buxbaum, Michael (pla)	<u>1:2024cv09894</u>	Buxbaum v. One Finance, Inc.
Buxbaum, Michael (pla)	<u>1:2024cv09895</u>	Buxbaum v. Intuit, Inc.
Buxbaum, Michael (pla)	<u>1:2024cv10054</u>	Buxbaum v. Zillow, Inc.
Buxbaum, Michael (pla)	<u>1:2024cv10060</u>	Buxbaum v. Intuit, Inc.
Buxbaum, Michael (pla)	<u>1:2024cv10077</u>	Buxbaum v. Zillow Inc.
Buxbaum, Michael (pla)	<u>1:2024cv10080</u>	Buxbaum v. Sommer et al
Buxbaum, Michael (pla)	<u>1:2024cv10061</u>	Buxbaum v. One Finance, Inc.
Buxbaum, Michael (pla)	<u>1:2024cv10062</u>	Buxbaum v. Block, Inc.
Buxbaum, Michael (pla)	<u>1:2024cv10063</u>	Buxbaum v. One Finance, Inc. dba Walmart
Buxbaum, Michael (pla)	<u>1:2024cv10081</u>	Buxbaum v. TD Bank
Buxbaum, Michael (pla)	<u>1:2025cv00223</u>	Buxbaum v. Bongiorno
Buxbaum, Michael (pla)	<u>1:2025cv00224</u>	Buxbaum v. TD Bank N.A.
Buxbaum, Michael (pla)	<u>1:2025cv00225</u>	Buxbaum v. Zillow Group, Inc.
Buxbaum, Michael (pla)	<u>1:2025cv00296</u>	Buxbaum v. JP Morgan Chase & Co.
Buxbaum, Michael (pla)	<u>1:2025cv00297</u>	Buxbaum v. Zillow Group, Inc.
Buxbaum, Michael (pla)	<u>1:2025cv00367</u>	Buxbaum v. Paypal, Inc.
Buxbaum, Michael (pla)	<u>7:2025cv00368</u>	Buxbaum v. Shtabsky et al

Party Name	Case Number	Case Title
Buxbaum, Michael (pla)	<u>1:2025cv00359</u>	Buxbaum v. Coinbase, Inc.
Buxbaum, Michael (pla)	<u>1:2025cv00361</u>	Buxbaum v. Payward, Inc.
Buxbaum, Michael (pla)	<u>1:2025cv00404</u>	Buxbaum v. Experian
Buxbaum, Michael (pla)	<u>1:2025cv00457</u>	Buxbaum v. Buxbaum et al
Buxbaum, Michael (pla)	<u>1:2025cv00509</u>	Buxbaum v. Robert C. Gottlieb & Associates PLLC
Buxbaum, Michael (pla)	<u>7:2025cv00458</u>	Buxbaum v. Legal Aid Society
Buxbaum, Michael (pla)	<u>1:2025cv00517</u>	Buxbaum v. Bank of America, N.A.
Buxbaum, Michael (pla)	<u>7:2025cv00518</u>	Buxbaum v. Town of Clarkstown Police Department
Buxbaum, Michael (pla)	<u>7:2025cv00519</u>	Buxbaum v. Kevin Conway, Esq.
Buxbaum, Michael (pla)	<u>1:2025cv00523</u>	Buxbaum v. Bongiorno
Buxbaum, Michael (pla)	<u>1:2025cv00521</u>	Buxbaum v. Hopkins
Buxbaum, Michael (pla)	<u>1:2025cv00524</u>	Buxbaum v. Bridandi
Buxbaum, Michael (pla)	<u>1:2025cv00531</u>	Buxbaum v. Smith
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Buxbaum, Michael (pla)	<u>1:2025cv00528</u>	Buxbaum v. Hesse
Buxbaum, Michael (pla)	<u>1:2025cv00527</u>	Buxbaum v. Goldsmith
Buxbaum, Michael (pla)	<u>1:2025cv00525</u>	Buxbaum v. Clarkstown Police Department
Buxbaum, Michael (pla)	<u>1:2025cv00529</u>	Buxbaum v. Pollak
Buxbaum, Michael (pla)	<u>1:2025cv00530</u>	Buxbaum v. Schroeder
Buxbaum, Michael (pla)	<u>1:2025cv00590</u>	Buxbaum v. Kahn
Buxbaum, Michael (pla)	<u>1:2025cv00595</u>	Buxbaum v. Day
Buxbaum, Michael (pla)	<u>1:2025cv00597</u>	Buxbaum v. Ellenzweig
Buxbaum, Michael (pla)	<u>1:2025cv00598</u>	Buxbaum v. Falco

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Party Search Results

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Buxbaum, Michael (pla)	1:2025cv00606	Buxbaum v. Rosano
Buxbaum, Michael (pla)	1:2025cv00608	Buxbaum v. Legal Aid Society of Rockland County
Buxbaum, Michael (pla)	1:2025cv00603	Buxbaum v. Kaplan
Buxbaum, Michael (pla)	1:2025cv00605	Buxbaum v. Mendolsohn
Buxbaum, Michael (pla)	1:2025cv00604	Buxbaum v. Laurenzi
Buxbaum, Michael (pla)	1:2025cv00610	Buxbaum v. Rocco's Italian Cuisine & Pizza
Buxbaum, Michael (pla)	1:2025cv00611	Buxbaum v. Buxbaum
Buxbaum, Michael (pla)	1:2025cv00612	Buxbaum v. Buxbaum et al
Buxbaum, Michael (pla)	1:2025cv00613	Buxbaum v. Zillow Group Inc.
Buxbaum, Michael (pla)	1:2025cv00686	Buxbaum v. Sands
Buxbaum, Michael (pla)	1:2025cv00687	Buxbaum v. Travis et al
Buxbaum, Michael (pla)	1:2025cv00689	Buxbaum v. Walsh III
Buxbaum, Michael (pla)	1:2025cv00690	Buxbaum v. Wilmington Savings Fund Society, FSB
Buxbaum, Michael (pla)	7:2025cv00616	Buxbaum v. Rosano
Buxbaum, Michael (pla)	1:2025cv00667	Buxbaum v. Hirschler, Esq.
Buxbaum, Michael (pla)	1:2025cv00668	Buxbaum v. Penn
Buxbaum, Michael (pla)	1:2025cv00701	Buxbaum v. Shtabsky et al
Buxbaum, Michael (pla)	1:2025cv00792	Buxbaum v. DeFilippo
Buxbaum, Michael (pla)	1:2025cv00793	Buxbaum v. Streicher
Buxbaum, Michael (pla)	1:2025cv00794	Buxbaum v. Zweig
Buxbaum, Michael (pla)	1:2025cv00796	Buxbaum v. Bonacorso
Buxbaum, Michael (pla)	7:2025cv00797	Buxbaum v. Del Rivero
Buxbaum, Michael (pla)	1:2025cv00798	Buxbaum v. Ioannou et al
Buxbaum, Michael (pla)	1:2025cv00801	Buxbaum v. Berger
Buxbaum, Michael (pla)	7:2025cv01060	Buxbaum v. Bonacorso
Buxbaum, Michael (pla)	7:2025cv01064	Buxbaum v. Ioannou et al
Buxbaum, Michael (pla)	1:2025cv01065	Buxbaum v. Del Rivero

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Buxbaum, Michael (pla)	<u>1:2025cv01067</u>	Buxbaum v. Shtabsky et al
Buxbaum, Michael (pla)	<u>1:2025cv01068</u>	Buxbaum v. Buxbaum et al
Buxbaum, Michael (pla)	<u>1:2025cv01070</u>	Buxbaum v. LeMoullec et al
Buxbaum, Michael (pla)	<u>1:2025cv01956</u>	Buxbaum v. Bank of America N.A.
Buxbaum, Michael (pla)	<u>7:2025cv01958</u>	Buxbaum v. Key Star Capital Fund II, L.P.
Buxbaum, Michael (pla)	<u>1:2025cv01954</u>	Buxbaum v. Town of Clarkstown
Buxbaum, Michael (pla)	<u>7:2025cv02088</u>	Buxbaum v. Rockland County
Buxbaum, Michael (pla)	<u>1:2025cv02339</u>	Buxbaum v. Walt Disney Co.
Buxbaum, Michael (pla)	<u>1:2025cv02765</u>	Buxbaum v. JetBlue Airways Corporation
Buxbaum, Michael (pla)	<u>1:2025cv02766</u>	Buxbaum v. Zillow Group Inc.
Buxbaum, Michael (pla)	<u>1:2025cv02770</u>	Buxbaum v. Spirit Airlines LLC
Buxbaum, Michael (pla)	<u>1:2025cv02807</u>	Buxbaum v. Comcast Corporation
Buxbaum, Michael (pla)	<u>1:2025cv02856</u>	Buxbaum v. Montefiore Nyack Hospital
Buxbaum, Michael (pla)	<u>1:2025cv02867</u>	Buxbaum v. Buxbaum
Buxbaum, Michael (pla)	<u>1:2025cv02887</u>	Buxbaum v. Buxbaum
Buxbaum, Michael (pla)	<u>1:2025cv02888</u>	Buxbaum v. Buxbaum
Buxbaum, Michael (pla)	<u>1:2025cv03052</u>	Buxbaum v. Bondi
Buxbaum, Michael (pla)	<u>1:2025cv03053</u>	Buxbaum v. Trump
Buxbaum, Michael (pla)	<u>1:2025cv03054</u>	Buxbaum v. Wanamaker
Buxbaum, Michael (pla)	<u>1:2025cv03055</u>	Buxbaum v. DiNapoli
Buxbaum, Michael (pla)	<u>1:2025cv03057</u>	Buxbaum v. James
Buxbaum, Michael (pla)	<u>1:2025cv03059</u>	Buxbaum v. Suzuki Motor USA, LLC
Buxbaum, Michael (pla)	<u>1:2025cv03089</u>	Buxbaum v. Gotham FC
Buxbaum, Michael (pla)	<u>1:2025cv03091</u>	Buxbaum v. United States Soccer Federation Inc
Buxbaum, Michael (pla)	<u>1:2025cv03092</u>	Buxbaum v. New York University

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Buxbaum, Michael (pla)	1:2025cv03125	Buxbaum v. NVIDIA Corporation
Buxbaum, Michael (pla)	1:2025cv03152	Buxbaum v. Dreamscape Companies LLC
Buxbaum, Michael (pla)	1:2025cv03154	Buxbaum v. letterstream.com
BUXBAUM, MICHAEL (dft)	2:2005cv01933	POLLARD et al v. DOYLESTOWN HOSPITAL et al
Buxbaum, Michael Jay (db)	7:2024bk22907	Michael Jay Buxbaum
Buxbaum, Michael Jay (db)	7:2024bk22907	Michael Jay Buxbaum
Buxbaum, Michael Jay (db)	7:2024bk22907	Michael Jay Buxbaum
Buxbaum, Michael T. (db)	1:2009bk17876	Michael Taylor Buxbaum and Rachel Rita Buxbaum
Buxbaum, Michael Taylor (db)	1:2009bk17876	Michael Taylor Buxbaum and Rachel Rita Buxbaum

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